



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 6483-99
14 February 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 4 August 1992 at age 19. Your record reflects that on 4 June 1993 you received nonjudicial punishment (NJP) for assault. The punishment imposed consisted of restriction and extra duty for 15 days and reduction to pay grade E-1 (RMSR). A psychiatric evaluation, conducted on 30 November 1993, found that you had a personality disorder.

Subsequently, on 24 March 1994 an administrative discharge board (ADB) found that you had not committed misconduct due to a commission of a serious offense, but recommended that you be honorably discharged for a personality disorder. You were then honorably discharged by reason of a diagnosed personality disorder on 8 April 1994.

The Board noted your contentions concerning the imposition of the NJP on 4 June 1993. Even if the ADB came to a different conclusion than the commanding officer at NJP on the issue of whether you committed an assault, that would not invalidate the NJP since the two actions are separate and distinct from each

other. Further, in order to find misconduct due to commission of a serious offense, an ADB must conclude not only that the individual committed the offense as alleged, but also that the circumstances of the offense warrant separation. Accordingly, the ADB in your case may have concluded that you committed an assault, but also concluded that this infraction did not warrant separation. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

Your request for the Battle "E" Ribbon should be addressed to the National Personnel Records Center (Military Personnel Records), 9700 Page Blvd., St. Louis, MO 63132.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Copy to: Mr. Daryl L. Testone